

U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625-1129

ENVIRONMENTAL ASSESSMENT

EA NUMBER: DOI-BLM-CO-N010-2009-0035-EA

PERMIT/ALLOTMENT NUMBER: 0503922/04606, 04610

PROJECT NAME: Renewal of the grazing permit on the Taylor Creek #04610 and East Axial Basin #04606 Allotments.

LEGAL DESCRIPTION: See allotment maps, Attachments 1a & 1b

Taylor Creek Allotment #04610	T. 3 N., R. 93 W., parts of sections 7, 11, 14, 17, 18-22, 27, 29
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2,489 acres BLM
638 acres State Land Board
5,530 acres private
8,657 acres total

East Axial Basin Allotment #04606	T. 5 N., R. 92 W., parts of sections 27, 28, 29, 32 and 36 T. 4 N., R. 92 W., parts of sections 9 and 24
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1,431 acres BLM
1,959 acres State Land Board
2,990 acres private
6,380 acres total

APPLICANT: Tom Kourlis for Harry Kourlis Ranch

PLAN CONFORMANCE REVIEW: The Proposed Action and Alternatives are subject to the following plan:

Name of Plan: Little Snake Resource Management Plan and Record of Decision

Date Approved: April 26, 1989

Results: The Proposed Action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM 1617.3).

The Proposed Action is consistent with the Little Snake Resource Management Plan, Record of Decision, Livestock Grazing Management objective to improve range conditions for both wildlife and livestock through proper utilization of key forage plants and adjusting livestock stocking rates as a result of vegetation studies.

The allotments under the Proposed Action are located within Management Unit 1, Eastern Yampa River. The Proposed Action is compatible with the management objectives for this unit. Management objectives of the Eastern Yampa River Management Unit are to realize the potential for development of coal, oil, and gas resources.

The East Axial Basin Allotment under the Proposed Action is partially located within Management Unit 8, Axial Basin. The Proposed Action is compatible with the management objectives for this unit. Management objectives of the Axial Basin Management Unit consist of maintaining or improving habitat for elk, deer and sage grouse.

NEED FOR PROPOSED ACTION: The Proposed Action is needed to respond to an expiring permit. The previous permit was issued for the term 12/16/06 to 02/28/2009. This permit is subject to renewal at the discretion of the Secretary of the Interior, who delegated the authority to BLM, for a period of up to ten years. The U.S. Bureau of Land Management has the authority to renew the livestock grazing permit consistent with the provisions of the *Taylor Grazing Act*, *Public Rangelands Improvement Act*, *Federal Land Policy and Management Act*, and Little Snake Field Office's *Resource Management Plan/Environmental Impact Statement*. This Plan/EIS has been amended by *Standards for Public Land Health in the State of Colorado*.

The following Environmental Assessment (EA) will analyze the impacts of livestock grazing on public land managed by the BLM. The analysis will recommend terms and conditions to the permit/lease which improve or maintain public land health. The Proposed Action will be assessed for meeting land health standards.

In order to graze livestock on public land, the livestock producer (permittee) must hold a grazing permit. The grazing permittee has a preference right to receive the permit if grazing is to continue. The land use plan allows grazing to continue. This EA will be a site specific look to determine if grazing should continue as provided for in the land use plan and to identify the conditions under which it can be renewed.

PUBLIC SCOPING PROCESS: The BLM Little Snake Field Office sent out a Notice of Public Scoping on December 17, 2007 to determine the level of public interest, concern, and resource conditions on the grazing authorizations that were up for renewal in FY 2009. A Notice of Public Scoping was posted on the Internet, at the Colorado BLM Home Page, asking for public input on grazing permit and lease renewals. Individual letters were sent to the affected permittees and lessees informing them that their permit and/or lease was up for renewal and requesting any information they wanted included or taken into consideration during the renewal process. The

issuance of a grazing permit is being carefully analyzed within the scope of the specific action being taken, resources issues or concerns, and public input received.

BACKGROUND: The Taylor Creek Allotment is located in an area known as the Danforth Hills, characterized by deep drainages and steep brushy slopes. It contains scattered stands of aspen, sagebrush/grass, oakbrush/serviceberry, and pinyon/juniper plant communities. The East Axial Basin Allotment is located in Axial Basin and is predominately rolling hills with sagebrush/grass and pinyon/juniper plant communities with greasewood present along drainages.

The public lands within the Taylor Creek and East Axial Basin Allotments are divided into pastures which livestock are rotated through, spending 2-18 days in each pasture. The rotation among these pastures is changed annually. Livestock are monitored continually and are moved either before or when utilization standards are met. Sheep are actively herded within each allotment to assure appropriate distribution and utilization.

BLM authorization #0501040 permitting grazing use for the Harry Kourlis Ranch on the Taylor Creek #04610, East Axial Basin #04606, and other allotments was renewed in 1999 for a period of ten years (EA CO-116-LS-99-21).

Tom Kourlis of Harry Kourlis Ranch uses these allotments as part of a larger rotation system for cattle and sheep that incorporates other BLM allotments and private lands. In 2006 Tom Kourlis requested a change in season of use and class of livestock adjustments on these allotments which was analyzed in CO-100-2006-104 EA. For the East Axial Basin Allotment, these changes were requested to better fit with the spring elk use that is occurring on this allotment. For the Taylor Creek Allotment these changes were requested so they can better accommodate the needed changes on the East Axial Basin Allotment and still fit Kourlis's high intensity-short duration grazing system. The proposed changes analyzed in CO-100-2006-104 EA were approved and implemented.

Both of the allotments being analyzed in this EA are authorized to Harry Kourlis Ranch in conjunction with a base property lease between Harry Kourlis Ranch and Colowyo Coal Company. Although the current BLM grazing permit, that these and other allotments are currently authorized under, #0501040, expires on 02/28/2009 the current base property lease does not expire until 12/31/2011. In consultation with Tom Kourlis and with the cooperation with Colowyo Coal Company the BLM required that for administrative efficiency it would be necessary to separate these two allotments into an individual authorization and renew the permit for a ten year term. Colowyo Coal Company is cooperating and has entered into a ten year base property lease with Harry Kourlis Ranch, the term of the BLM grazing permit will reflect the term of the base property lease.

Harry Kourlis Ranch also holds permits on the following allotments administered by the BLM Little Snake Field Office: Elkhorn Creek #04615, Lower Boxelder Gulch #04431, Duffy Mtn. #04432, South Duffy Mtn. #04430, Upper Wilson Creek #04426, Coal Butte #04612, and West Monument #04620.

The permit would be reissued with a change in dates and livestock numbers for cattle use on the Taylor Creek Allotment and no changes on the East Axial Basin Allotment. These changes are a minor adjustment to the changes analyzed in CO-100-2006-104 EA. These proposed changes would remain consistent with the Kourlis Ranch larger grazing system which uses private lands, state lands, and other BLM allotments administered out of the Little Snake Field Office and the White River Field Office.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:

Proposed Action

Renew the grazing permit on the Taylor Creek #04610 and East Axial Basin #04606 Allotments for a period of ten years, expiring February 28, 2019. The permit would be reissued with a change in dates and livestock numbers for cattle use on the Taylor Creek Allotment.

Each allotment would be grazed for continuous periods ranging from 10 to 50 days (utilizing the same 2-18 day rotations within pastures on each allotment). The Taylor Creek Allotment would typically be grazed for 15 days in May or June and again in the fall. This timing would be typical, but the wider windows would allow for adjustments in timing due to drought and/or changing wildlife use patterns. Neither of the allotments would be grazed for the full date range shown below. No change in active AUMs would occur. The permit would be renewed as follows:

From:

Allotment Name & Number	Livestock Number & Kind	Dates Begin End		%PL	AUMs
East Axial Basin #04606	1015 Sheep	10/01	04/15	11	145
	36 Cattle	03/01	07/03	11	<u>16</u>
					Total 161
Taylor Creek #04610	1255 Sheep	06/05	07/05	17	43
	200 Cattle	06/20	07/10	17	23
	412 Cattle	08/20	10/20	17	<u>147</u>
					Total 213

Special Terms and Conditions:

- 1) Supplemental feed approved, as necessary.
- 2) The permittee is allowed five days flexibility in pasture movements, including into and out of the allotments, as long as the amount of specified grazing use (AUMs allowed) is not exceeded.
- 3) The permit for the East Axial Basin Allotment (#04606) is contingent upon a valid private land lease with Colowyo Coal LP.

To:

Allotment Name & Number	Livestock Number & Kind	Dates Begin End		% PL	AUMs
East Axial Basin #04606	1015 Sheep	10/01	04/15	11	145
	36 Cattle	03/01	07/03	11	<u>16</u>
Total					161
Taylor Creek #04610	1255 Sheep	06/05	07/05	17	43
	300 Cattle	06/25	07/10	17	27
	300 Cattle	09/10	10/20	17	69
	112 Cattle	06/25	10/20	17	<u>74</u>
Total					213

Special Terms and Conditions:

- 1) In the Taylor Creek Allotment, due to continuing mining activities within allotment administrative boundaries grazing use and areas of utilization will vary from year to year over the term of the permit. The permittee will avoid using the same areas for more than two consecutive years.
- 2) The permittee is allowed five days flexibility in pasture movements, including into and out of the allotments, as long as the amount of specified grazing use (AUMs allowed) is not exceeded.

The permit would be subject to the Standard and Common Terms and Conditions (attachment 2).

No Action Alternative

The permit would be renewed continuing previous authorized terms and conditions.

Alternatives Considered but not Analyzed:

No Grazing Alternative

No livestock grazing would take place under this alternative.

This alternative is eliminated from detailed study because it is not a realistic, implementable alternative nor does it meet the requirements of the Federal Land Policy and Management Act of 1976. When the RMP was approved, it was determined that livestock grazing was an appropriate use of this land. Eliminating grazing is not analyzed because no new issues or concerns have been identified that would require this action.

AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES/MITIGATION MEASURES

CRITICAL RESOURCES

AIR QUALITY

Affected Environment: Neither allotment is located in any EPA nonattainment areas for major pollutants.

Environmental Consequences, Both Alternatives: Livestock management activities would include actions that would result in PM 10 (dust) emissions and low levels of vehicle exhaust emissions. None of these pollutants would result in these areas acquiring EPA nonattainment status for air quality.

Mitigative Measures: None

Name of specialist and date: Mark Lowrey, 03/24/09

AREA OF CRITICAL ENVIRONMENTAL CONCERN

Affected Environment: Not Present

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Gina Robison, 02/17/09

CULTURAL RESOURCES

Affected Environment: Grazing authorization renewals are undertakings under Section 106 of the National Historic Preservation Act. During Section 106 review, a cultural resource assessment was completed for allotment #04606 and #04610 by Robyn Watkins Morris, Little Snake Field Office Archaeologist, on March 2, 2009. The assessment followed the procedures and guidance outlined in the 1980 National Programmatic Agreement Regarding The Livestock Grazing And Range Improvement Program, IM-WO-99-039, IM-CO-99-007, IM-CO-99-019, and IM-CO-01-026. The results of the assessment are summarized in the table below. Copies of the cultural resource assessments are in the Field Office archaeology files.

Data developed here were taken from the cultural program project report files, site report files, and base maps kept at the Little Snake Field Office as well as from General Land Office (GLO) maps, BLM land patent records, An Overview of Prehistoric Cultural Resources Little Snake Resource

Area, Northwestern Colorado, Bureau of Land Management Colorado, Cultural Resources Series, Number 20, and An Isolated Empire, A History of Northwestern Colorado, Bureau of Land Management Colorado, Cultural Resource Series, Number 2 and Appendix 21 of the Little Snake Resource Management Plan and Environmental Impact Statement, Draft February 1986, Bureau of Land Management, Craig, Colorado District, Little Snake Resource Area.

The table below is based on the allotment specific analysis developed for the allotments in this EA. The table shows known cultural resources, eligible and need data, and those that are anticipated to be in each allotment.

Allotment Number	Acres Surveyed at a Class III Level	Acres NOT Surveyed at a Class III Level	Percent of Allotment Inventoried at a Class III Level	Eligible or Need Data Sites- Known in Allotment	Estimated Sites for the Allotment *(total number)	Estimated Eligible or Need Data Sites in the Allotment (number)
4606	758	5622	11%	12	169	50
4610	5184	3473	50%	1	229	66

(Note *Estimates of site densities are based on known inventory data. Estimates should be accepted as minimum figures which may be revised upwards based on future inventory findings.)

Five cultural resource inventories have been conducted within allotment #04606 resulting in the complete coverage of 758 acres and the recording of sixteen cultural resources. Of the prehistoric cultural resources, previous inventories identified three isolated finds, five open camps, five open lithic scatters, one late prehistoric site, one open architectural site (stone enclosure). One historic resource, State Highway 13, was recorded. The historic GLO plats were consulted and nothing was on the 1904 T4N R92W GLO plat, or the 1879 T5N R92W GLO plat. On the 1905 T5N R92W GLO plat in section 32 there was a "Wright's House" and pasture that is not on BLM land.

Fourteen cultural resource inventories have been conducted within the allotment #04610 resulting in 5,184 acres being surveyed and twenty-two resources being recorded. The majority of the survey is related to the modern Colowyo Mine. Of the historic resources, six were isolated finds, one historic mine, one coal prospect pit, one historic trash scatter, two historic homesteads, three historic cairns, and two historic roads. Of the prehistoric resources, five are isolated finds and one camp. The historic GLO plats were consulted and nothing was on the T4N R93W GLO plat. On the 1884 T3N R93W GLO plat there is highway 13 and a telegraph line. The 1907 GLO plat for the same area shows highway 13 and an irrigation ditch. On the 1904 T4N R93W GLO plat there was the Hulettand Torrence ranch in section 32.

Based on available data, a high potential for historic properties occurs in both allotments, but not within the BLM portion of the allotments. Subsequent site specific monitoring and cultural resource inventory will be conducted in areas where livestock concentrate. Subsequent monitoring and field inventory is to be completed within a ten year time frame. Priorities for monitoring and inventory include:

1. In allotment #04606, 5MF414 and 5MF418 will be revisited and reassessed to determine if additional livestock related damage.

2. In allotment #04606 areas of livestock concentration will be surveyed to ascertain cultural resources.

If historic properties are located during the subsequent field inventory, and BLM determines that grazing activities will adversely impact the properties, mitigation will be identified and implemented in consultation with the Colorado SHPO.

Environmental Consequences, Both Alternatives: The direct impacts that occur where livestock concentrate, during normal livestock grazing activity, include trampling, chiseling, and churning of site soils, cultural features, and cultural artifacts, artifact breakage, and impacts from standing, leaning, and rubbing against historic structures, above-ground cultural features, and rock art. Indirect impacts include soil erosion, gulying, and increased potential for unlawful collection and vandalism. Continued livestock use in areas of livestock concentration may cause irreversible adverse effects to historic properties.

The proposed change in this document involves an increase in cattle use on the Taylor Creek allotment. This change may result in higher impacts to cultural resources. This allotment has had a great deal of survey, however, and the majority of the sites are historic and related to homesteading. The higher numbers of cattle would be later in the season allowing for lower moisture and higher sheer strength in soils. Placing saltblocks along roads or anywhere in the allotment in close proximity to historic properties would potentially impact historic properties.

Mitigation Measures: Standard Stipulations for cultural resources are included in the Standard and Common Terms and Conditions (Attachment 2).

Conducting Class II and III survey(s), monitoring, and developing site specific mitigation measures will mitigate the adverse effects to an acceptable level (Cultural Matrix Team Meeting 26 January 1999, NHPA Section 106, 36CFR800.9; Archaeological Resource Protection Act 1979; BLM Colorado and Colorado SHPO Protocol 1998; and NEPA/FLPMA requirements).

Name of Specialist and date: Robyn Watkins Morris, 03/02/09

ENVIRONMENTAL JUSTICE

Affected Environment: The proposed action is located in an area of isolated dwellings. Ranching, farming and oil and gas exploration and development are the primary economic activities.

Environmental Consequences, Both Alternatives: The project area is relatively isolated from population centers, so no populations would be affected by physical or socioeconomic impacts of the proposed or alternative actions. Neither alternative would directly affect the social, cultural or economic well-being and health of Native American, minority or low-income

populations.

Mitigative Measures: None

Name of specialist and date: Mike Andrews, 02/20/09

FLOOD PLAINS

Affected Environment: Most of the public lands within these allotments are composed of uplands. In general, stream drainages are too steep and confined to have active flood plain areas.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Mark Lowrey, 03/24/09

INVASIVE, NONNATIVE SPECIES

Affected Environment: Whitetop is the most common problem in Axial Basin and the surrounding area. Other noxious weeds present include Russian knapweed, leafy spurge, houndstongue, musk thistle, plumeless thistle, cheatgrass, Canada thistle, bull thistle, and black henbane. Moffat County had been spraying for whitetop and other noxious weeds along county roads and some two track roads prior to 1994. In cooperation with the State of Colorado, the permittee/lessees, Moffat County, Rio Blanco County, and the BLM have implemented an integrated weed management program.

Environmental Consequences, Both Alternatives: Grazing within the terms and conditions under either alternative would have no adverse impacts beyond current conditions.

Mitigative Measures: None

Name of specialist and date: Mark Lowrey, 03/24/09

MIGRATORY BIRDS

Affected Environment: These allotments provide both foraging and nesting habitat for a variety of migratory birds. Golden eagles are known to nest in these areas. Two sagebrush obligate species, sage sparrow and Brewer's sparrow and one mountain shrub species, Virginia warbler, are listed on the USFWS's Bird of Conservation Concern List. Additional birds that may nest in the area include the vesper sparrow and the sage thrasher.

Environmental Consequences, Both Alternatives: Livestock grazing on these allotments would not have adverse impacts on any of the birds of conservation concern. Golden eagle nesting and fledgling activities would not be disturbed by livestock grazing. Brewer's sparrows and sage sparrows respond favorably to livestock grazing because they prefer habitat with only modest amounts of understory vegetation. Either alternative has little to no potential for take of any migratory birds within these allotments.

Mitigative Measures: None

Name of specialist and date: Timothy Novotny, 02/23/09

NATIVE AMERICAN RELIGIOUS CONCERNS

A letter was sent to the Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Ute Tribal Council on May 5, 2008. The letter listed the FY08 and FY09 projects that the BLM would notify them on and projects that would not require notification. A follow up phone call was performed on June 16, 2008. No comments were received (Letter on file at the Little Snake Field Office). This project requires no additional notification.

Name of specialist and date: Robyn Watkins Morris, 03/02/09

PRIME & UNIQUE FARMLANDS

Affected Environment: There are no Prime or Unique farmlands on either allotment.

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Mark Lowrey, 03/24/09

T&E AND SENSITIVE ANIMALS

Affected Environment: There are no threatened or endangered species or habitats for such species present in the Taylor Creek or East Axial Basin Allotments. These allotments provide breeding, nesting and brood rearing habitat for greater sage-grouse and Columbian sharp-tailed grouse, both are BLM special status species. There are no known active lek sites for either species within these allotments.

Environmental Consequences, Proposed Action: There would be no affect on any threatened or endangered animal species or their habitats. Habitats for Columbian sharp-tailed grouse and greater sage-grouse are currently in good condition. The proposed grazing system would allow for flexibility in timing of livestock grazing and allow for resting of pastures. This

grazing system would maintain habitats for both species in good condition.

Environmental Consequences, No Action Alternative: The current livestock grazing system has maintained habitats for both Columbian sharp-tailed grouse and greater sage-grouse in a condition that is capable of supporting healthy populations.

Mitigative Measures: None

Name of specialist and date: Timothy Novotny, 02/23/09

T&E AND SENSITIVE PLANTS

Affected Environment: There are no federally listed threatened or endangered or BLM sensitive plant species present on either allotment.

Environmental Consequences, Both Alternatives: None

Mitigative Measures: None

Name of specialist and date: Hunter Seim, 02/19/09

WASTES, HAZARDOUS OR SOLID

Affected Environment: There are no hazardous materials present on the East Axial Basin or Taylor Creek Allotment.

Environmental Consequences, Both Alternatives: Potential releases of hazardous materials could occur due to vehicular access for livestock management operations. Coolant, oil, and fuel are materials that could potentially be released. Due to the limited amount of vehicular activity that would be required, the potential for releases of any of these materials is low and if a release were to occur, it would be minimal and highly localized and not result in an adverse impact to the allotment.

Mitigative Measures: None

Name of specialist and date: Mark Lowrey, 02/12/09

WATER QUALITY – GROUND

Affected Environment: The rocks at or near the surface that may carry groundwater in aquifers are comprised of Upper Mesozoic aged Mesa Verde Group rocks. The primary units cropping out would be of sandstone, while the more weathered rocks are shale strata.

Environmental Consequences, Both Alternatives: Considering the number of livestock grazing, the dispersal of livestock over a fairly large area and the rotation of grazing areas, there

will be no adverse impacts to ground water quality within the area of Proposed Action.

Mitigative Measures: None.

Name of specialist and date: Marilyn D. Wegweiser, 02/20/09

WATER QUALITY – SURFACE

Affected Environment: Runoff water from the East Axial Basin Allotment flows into Stinking Gulch. Runoff water from the Taylor Creek Allotment flows into Wilson Creek, Taylor Creek, Good Spring Creek, and the West Fork Good Spring Creek. Taylor Creek and East Fork Wilson Creek are intermittent tributaries to Wilson Creek and West Fork Good Spring Creek is a perennial tributary to Good Spring Creek. Wilson Creek, Good Spring Creek, and Stinking Gulch are perennial tributaries to Milk Creek. Much of the water in Stinking Gulch is approved discharge of oil and gas production water.

All of these streams flow into Milk Creek and then into the Yampa River. Wilson Creek and Good Spring Creek (above Wilson Reservoir) are designated as use protected and water quality must support Aquatic Life Warm 2, Recreation 2, Water Supply, and Agriculture. Water quality in Milk Creek needs to support Aquatic Life Warm 1, Recreation 1b, Water Supply, and Agriculture. The Yampa River needs to have water quality sufficient to support Aquatic Life Cold 1, Recreation 1a, Water Supply, and Agriculture.

Portions of this Yampa River segment are fully supporting its classified uses. Milk Creek and some of its tributaries have been assessed as fully supporting their classified uses (Oct. 2001). Wilson Creek and Good Spring Creek have not been assessed, but are expected to fully support their classified uses. None of these stream segments have been listed as impaired water.

Environmental Consequences, Proposed Action: The Proposed Action is designed for grazing system flexibility on the Taylor Creek Allotment. This flexibility would enhance the health of plant communities and upland soils. This flexibility is desirable because drought and other possible natural occurrences could reduce the capability of the rangeland to support the typical stocking rate. The Proposed Action still focuses on a high intensity-short duration grazing system. Overall changes to the grazing schedule that are proposed are minimal and would have no adverse impacts to surface water quality.

Environmental Consequences, No Action Alternative: There would be no adverse impacts, current conditions would continue to exist.

Mitigative Measures: None

Name of specialist and date: Mark Lowrey, 03/24/09

WETLANDS/RIPARIAN ZONES

Affected Environment: On the East Axial Basin Allotment, no riparian vegetation or springs have been identified on public lands within this allotment. The Taylor Creek Allotment has limited riparian vegetation associated with springs and drainages along small sections of public lands in the headwater areas of Taylor Creek. There are several small ponds and a small section of the West Fork of Good Spring Creek on BLM lands within this allotment. There are varying degrees of riparian vegetation or potential riparian resources associated with these water sources.

Environmental Consequences, Both Alternatives: For the Taylor Creek Allotment, livestock grazing in this allotment includes short duration cattle grazing and sheep grazing during the summer. The cattle grazing system and built in flexibility in either alternative would not adversely impact riparian resources. Sheep are herded through several pastures in this allotment, rotating the grazing use by herding. Continuation of either grazing strategy would allow existing riparian resources to remain stable.

Mitigative Measures: None

Name of specialist and date: Mark Lowrey, 03/24/09

WILD & SCENIC RIVERS

Affected Environment: Not Present

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Gina Robison, 02/17/09

WILDERNESS, WSAs

Affected Environment: Not Present

Environmental Consequences: None

Mitigative Measures: None

Name of specialist and date: Gina Robison, 02/17/09

NON-CRITICAL ELEMENTS

SOILS

Affected Environment: A number of different soils occur on these allotments, but due to many geologic (i.e., parent material) and physiographic similarities within the uplands on these allotments, these soils share many characteristics. In general, the upland soils on both allotments are loamy, well drained, and nonsaline. Due to the vast majority of public land uplands within these allotments being on steeper slopes, they all exhibit high to very high runoff, but water holding capacities are high. The greatest variation is in water permeability, with permeability rates ranging from slow to medium.

Due to these soils ability to support good vegetative cover, even on steeper slopes, there are no areas of accelerated erosion. In many areas, the public lands are only minimally accessible to livestock or intensive human activities due to slope and/or dense stands of shrubby vegetation types, resulting in most soils being only affected by natural forces and variability.

Environmental Consequences, Both Alternatives: No loss or gain of cryptogamic crusts or soil compaction would occur as a result of either alternative. Upland soils would be protected by the canopy cover provided by the diverse native plant communities present within the allotments. The high intensity-short duration grazing practices characteristic of both the Proposed Action and No Action Alternatives would continue to enhance the health of the plants providing cover, organic matter for nutrient cycling, and diverse root characteristics. The soil resource would remain stable and productive.

Mitigative Measures: None

Name of specialist and date: Mark Lowrey, 03/24/09

UPLAND VEGETATION

Affected Environment: Taylor Creek Allotment is characterized by deep drainages and steep brushy slopes. There tends to be a mix of sagebrush/grass and oakbrush/serviceberry with pinyon/juniper. The public land is predominately located on the steep slopes. The East Axial Basin Allotment is located in Axial Basin and is predominately rolling sagebrush hills with some greasewood in the drainages.

Elevation in these allotments ranges from 6400' to 7800'. Communities at these elevations in the Taylor Creek Allotment are predominantly oak brush, aspen, and mountain shrub communities. The latter is comprised of mountain big sagebrush, snowberry, chokecherry, serviceberry, Wood's rose, and currant. Communities in the East Axial Basin Allotment consist of sagebrush-grassland. Grass and grass-like species found on these allotments include orchard grass, mountain brome, wheatgrasses, needle grasses, Kentucky bluegrass, wildryes, timothy, Idaho fescue, muttongrass, and various sedges. Forbs include tall larkspur, yellow fleabane, geranium, potentilla, mules ear, horse mint, iris, horsetail, lupines, coneflower, buckwheats, bedstraw, aster, wild carrot, aspen

peavine, globemallow, meadowrue, and American vetch. The riparian areas are comprised mostly of willow with associated riparian species present.

Monitoring data on these allotments indicate the current amount of specified livestock grazing remains appropriate. The common denominator on these allotments is the amount of public lands in these allotments make up a small percentage of the area in each allotment. For the most part, the public lands are quite steep and rocky and are of limited accessibility to livestock. The public lands on these allotments have good species diversity, plant vigor, production, and litter cover.

Environmental Consequences, Both Alternatives: There would be no adverse impacts to upland vegetation on these allotments. These allotments have been managed under a high intensity-short duration grazing system for a number of years, forage and other plants have remained vigorous and diverse. With the flexibility of the timing of grazing in each alternative, these grazing systems can further benefit and maintain healthy plant communities by adding additional periods during the growing and dormant seasons in which livestock may be grazed as well as pastures rested. As long as these allotments continue to be managed under either intensive rotation system there would be no adverse impact to plant communities.

Mitigative Measures: None

Name of specialist and date: Mark Lowrey, 02/12/09

WILDLIFE, AQUATIC

Affected Environment: The west fork of Good Spring Creek contains several small ponds on public lands which may provide suitable habitat for aquatic wildlife species. No inventories of this habitat have been conducted to date.

Environmental Consequences, Both Alternatives: The Proposed Action or No Action Alternative provides for grazing systems that would allow for flexibility in timing of livestock grazing and allow for resting pastures. Either of these grazing systems would maintain aquatic habitats in good condition.

Mitigative Measures: None

Name of specialist and date: Timothy Novotny, 03/9/09

WILDLIFE, TERRESTRIAL

Affected Environment: The Taylor Creek and the East Axial Basin Allotments currently provide year round habitat for mule deer, pronghorn antelope and elk. The East Axial Basin Allotment provides severe winter range habitat for mule deer and elk. A variety of small mammals, reptiles and songbirds can be found within these allotments as well. The cliffs along the northern boundary of the East Axial Basin Allotment provide valuable raptor nesting habitat. There are records of greater than thirty raptor nests along these cliffs since the early 1980s.

Environmental Consequences, Both Alternatives: There would be no adverse impacts on big game winter range habitats in the East Axial Basin Allotment. Livestock grazing at the prescribed rates would not lead to degradation of wildlife habitats in either allotment. Livestock grazing will not have any impact on the raptor nests along the cliffs in the East Axial Basin Allotment.

Mitigative Measures: None

Name of specialist and date: Timothy Novotny, 03/9/09

OTHER NON-CRITICAL ELEMENTS: For the following elements, those brought forward for analysis will be formatted as shown above.

Non-Critical Element	NA or Not Present	Applicable or Present, No Impact	Applicable & Present and Brought Forward for Analysis
Fluid Minerals	MDW 02/20/09		
Forest Management	ML 02/12/09		
Hydrology/Ground		MDW 02/20/09	
Hydrology/Surface		MAL 03/24/09	
Paleontology		MDW 02/20/09	
Range Management		ML 02/12/09	
Realty Authorizations		MAA 02/20/09	
Recreation/Travel Mgmt		GMR 2/17/09	
Socio-Economics		MAA 02/20/09	
Solid Minerals		JAM 02/20/09	
Visual Resources		GMR 2/17/09	
Wild Horse & Burro Mgmt	ML 01/30/09		

CUMULATIVE IMPACTS SUMMARY: These allotments and areas surrounding have historically been grazed by both sheep and cattle. Numerous maintained and unmaintained roads exist throughout the area, including on the allotment. These roads are used regularly by local residents and ranchers as well by as the primary recreation users in the area, hunters. Wildlife populations in the area are high, especially for deer and elk that compete with livestock for available forage throughout the area. The Proposed Action and No Action Alternative to continue grazing on this allotment is compatible with other uses, both historic and present, and would not add any new or detrimental impacts to those that are already present.

STANDARDS

PLANT AND ANIMAL COMMUNITY (animal) STANDARD: Monitoring data on the two allotments indicate that the short season, rest-rotation grazing system is compatible with healthy plant communities. The plant community exhibits high vigor and provides productive habitat for a variety of big game, small mammal, and songbird species. This standard is currently being met on these allotments and would continue to be met under the Proposed Action or the No Action Alternative.

Name of specialist and date: James R. Webb 02/08/06

Approved by (initials and date): TMN 08/31/06

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal)

STANDARD: There are no threatened or endangered animal species or habitat for such species in the affected grazing allotments. The allotments do provide breeding nesting and brood rearing habitat for Columbian sharp-tailed grouse and greater sage-grouse. There are no known active lek sites for either species within these grazing allotments, but there are six lek sites for sharp-tailed grouse and one lek site for greater sage-grouse within one mile of these allotments. There would be no impact to breeding grounds for either species from either alternative. Nesting and brood rearing habitat is currently in good condition and would remain capable of supporting healthy populations for both Columbian sharp-tailed grouse and greater sage-grouse. This standard is currently being met and would continue to be met under the Proposed Action or the No Action Alternative.

Name of specialist and date: Timothy Novotny, 08/31/06

PLANT AND ANIMAL COMMUNITY (plant) STANDARD: Monitoring data and field observations indicate there are diverse, healthy plant communities in these allotments. A field assessment in 2005 by James R. Webb, using LSFO rangeland health assessment protocols, was in agreement that the allotments have healthy plant communities although the assessment did not have an interdisciplinary approach. Field observations do indicate a serious noxious weed problem with whitetop on the allotments. The BLM, permittee, CDOW, and others have implemented an integrated weed management program to address this and are making progress towards the control of whitetop and other noxious weeds. Standards are met and although season of use and numbers of cattle would change without increasing the amounts of allocated forage, this standard would continue to be met under the Proposed Action or the No Action Alternative.

Name of specialist and date: James R. Webb 02/08/06

Approved by (initials and date): JHS 08/23/06

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (plant)

STANDARD: There are no federally listed threatened or endangered or BLM sensitive plant species on either of the allotments. This standard does not apply.

Name of specialist and date: James R. Webb 02/08/06
Approved by (initials and date): JHS 08/23/06

RIPARIAN SYSTEMS STANDARD: Riparian systems are only known to occur within the Taylor Creek Allotment (Wilson Creek). Both of the alternatives incorporate grazing strategies that are very similar, having short duration of use by cattle during the growing season and sheep use rotated by herding. The lower reach of Wilson Creek exhibits slightly more use by cattle throughout the reach, as observed from utilization on sedge and cow tracks. Some additional stream channel widening and deepening is present in this lower reach which also receives stream flow from a westerly flowing tributary that is fenced within the allotment. The most southerly of the two water gaps encompassing Wilson Creek and its floodplain also include the confluence of this tributary. The entire lower reach of Wilson Creek is functioning at risk with no apparent trend. The portion within the second water gap however, may be exhibiting a downward trend due to the increased trailing and forage use on the floodplain. Newer beaver dams are present near the middle of this reach, between the water gaps. It would be important to maintain floodplain and streambank stability along Wilson Creek especially given that so much water is being impounded upstream by beaver dams. It would also be important to maintain the willow component of the riparian plant community so beaver can maintain their activity. This standard is being met for the Taylor Creek Allotment and would continue to be met under the Proposed Action or the No Action Alternative. The riparian standard does not apply on the East Axial Basin Allotment.

Name of specialist and date: Ole Olsen 10/19/06
Approved by (initials and date): OO 10/19/06

WATER QUALITY STANDARD: The Proposed Action and the No Action Alternative would meet this standard. Runoff from snow melt and summer storms drains from the affected lands directly into stream segments that are presently supporting classified uses. Several Best Management Practices were implemented during the last permit period on these allotments that would lead to improved water quality of ephemeral runoff waters. This standard is being met and would continue to be met under the Proposed Action or the No Action Alternative.

Name of specialist and date: James R. Webb 2/8/06
Approved by (initials and date): OO 10/19/06

UPLAND SOILS STANDARD: The Proposed Action would result in minor changes to current grazing practices and no significant change in current trends of soil health would occur. The current grazing system on these allotments has maintained this standard. This standard is being met and would continue to be met under the Proposed Action or the No Action Alternative.

Name of specialist and date: James R. Webb 2/8/06
Approved by (initials and date): OO 10/19/06

PERSONS/AGENCIES CONSULTED: Uintah and Ouray Tribal Council, Colorado Native American Commission, Colorado State Historic Preservation Office, Tom Kourlis.

SIGNATURE OF PREPARER:

DATE SIGNED:

SIGNATURE OF ENVIRONMENTAL REVIEWER:

DATE SIGNED:

Finding of No Significant Impact

The environmental assessment, analyzing the environmental effects of the proposed action, has been reviewed. With the implementation of the attached mitigation measures there is a finding of no significant impact on the human environment. Therefore, an environmental impact statement is not necessary to further analyze the environmental effects of the proposed action.

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts have been disclosed in the EA. Analysis indicated no significant impacts on society as a whole, the affected region, the affected interests or the locality. The physical and biological effects are limited to the Little Snake Resource Area and adjacent land.
2. Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials.
3. There would be no adverse impacts to regional or local air quality, prime or unique farmlands, known paleontological resources on public land within the area, wetlands, floodplain, areas with unique characteristics, ecologically critical areas or designated Areas of Critical Environmental Concern.
4. There are no highly controversial effects on the environment.
5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.
6. This alternative does not set a precedent for other actions that may be implemented in the future to meet the goals and objectives of adopted Federal, State or local natural resource related plans, policies or programs.
7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.
8. Based on previous and ongoing cultural surveys, and through mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no known American Indian religious concerns or persons or groups who might be disproportionately and adversely affected as anticipated by the Environmental Justice Policy.
9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act were identified. If, at a future time, there could be the potential for adverse impacts, treatments would be modified or mitigated not to have an adverse effect or new analysis would be conducted.
10. This alternative is in compliance with relevant Federal, State, and local laws, regulations, and requirements for the protection of the environment.

SIGNATURE OF AUTHORIZED OFFICIAL:

DATE SIGNED:

ATTACHMENT #2
DOI-BLM-CO-N010-2009-0035-EA
TERMS AND CONDITIONS

Standard Terms and Conditions

- 1) Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
- 2) They are subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations;
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based;
 - c. A transfer of grazing preference by the permittee/lessee to another party;
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described;
 - e. Repeated willful unauthorized grazing use;
 - f. Loss of qualifications to hold a permit or lease.
- 3) They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans **MUST** be incorporated in permits and leases when completed.
- 4) Those holding permits or leases **MUST** own or control and be responsible for the management of livestock authorized to graze.
- 5) The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
- 6) The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
- 7) Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
- 8) Livestock grazing use that is different from that authorized by a permit or lease **MUST** be applied for prior to the grazing period and **MUST** be filed with and approved by the authorized officer before grazing use can be made.
- 9) Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.

10) Grazing fee payments are due on the date specified on the billing notice and MUST be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.

11) No member of, or Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

Common Terms and Conditions

A) Grazing use will not be authorized in excess of the amount of specified grazing use (AUM number) for each allotment. Numbers of livestock annually authorized in the allotment(s) may be more or less than the number listed on the permit/lease within the grazing use periods as long as the amount of specified grazing use is not exceeded.

B) Unless there is a specific term and condition addressing utilization, the intensity of grazing use will insure that no more than 50% of the key grass species and 40% of the key browse species current years growth, by weight, is utilized at the end of the grazing season for winter allotments and the end of the growing season for allotments used during the growing season. Application of this term needs to recognize recurring livestock management that includes opportunity for regrowth, opportunity for spring growth prior to grazing, or growing season deferment.

C) Failure to maintain range improvements to BLM standards in accordance with signed cooperative agreements and/or range improvement permits may result in the suspension of the annual grazing authorization, cancellation of the cooperative agreement or range improvement permit, and/or the eventual cancellation of this permit/lease.

D) Storing or feeding supplemental forage on public lands other than salt or minerals must have prior approval. Forage to be fed or stored on public lands must be certified noxious weed-free. Salt and/or other mineral supplements shall be placed at least one-quarter mile from water sources or in such a manner as to promote even livestock distribution in the allotment or pasture.

E) Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days

or until notified to proceed by the authorized officer.

The operator is responsible for informing all persons who are associated with the allotment operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any allotment activities or grazing activities, the operator is to immediately stop activities in the immediate vicinity and immediately contact the authorized officer. Within five working days the authorized officer will inform the operator as to:

- whether the materials appear eligible for the National Register of Historic Places;
- the mitigation measures the operator will likely have to undertake before the identified area can be used for grazing activities again.

If paleontological materials (fossils) are uncovered during allotment activities, the operator is to immediately stop activities that might further disturb such materials and contact the authorized officer. The operator and the authorized officer will consult and determine the best options for avoiding or mitigating paleontological site damage.

F) No hazardous materials/hazardous or solid waste/trash shall be disposed of on public lands. If a release does occur, it shall immediately be reported to this office at (970) 826-5000.

G) The permittee/lessee shall provide reasonable administrative access across private and leased lands to the BLM and its agents for the orderly management and protection of public lands.

H) Application of a chemical or release of pathogens or insects on public lands must be approved by the authorized officer.

I) The terms and conditions of this permit/lease may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.